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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,632	04/30/2007	Christoph Hommel	710.1051	9803
23280 7590 07/10/2008 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER				
PATEL, KIRAN B				
ART UNIT		PAPER NUMBER		
3612				
MAIL DATE		DELIVERY MODE		
07/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,632

Applicant(s)

HOMMEL ET AL.

Examiner

Kiran B. Patel

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Non-Final Rejection (7/10/08)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

1. Claims 9, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 9, "connection region ida floor region of the vehicle body and the add-on part is an axle bolster" fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 11, 12, 14, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshihira et al. (6,349,953).

Regarding Claims 8, 11, 12, 14, 15, Yoshihira et al. (6,349,953) discloses the invention as claimed to include a connecting element 5 having a receiving region for detachably fastening the add-on part, and having first 10 and second 7 fastening sections for attaching the connecting element 5 to the vehicle body, the first fastening section 10 being designed for resistance pressure welding P to a carrier component 8 of the vehicle body, and the second fastening section 7 being arranged at a distance from the first fastening section 10, the connecting element 5 in a region of the second fastening section 7 being connectable to a stiffening

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Art Unit: 3612

panel 8 of the vehicle body; wherein the connecting element 5 has, in the region of the first fastening section 10, a positioning element (outer diameter of 5) for positionally accurate positioning of the connecting element in a mounting opening 15 of the carrier component B; wherein the connecting element 5 has, at the first and second fastening sections, diameters respectively adapted to fastening and positioning openings of the carrier component and of the stiffening panel Fig 2; wherein the first fastening section has a flangelike lug having a peripheral welding projection Fig 2; and comprising a plurality of connection regions as recited in claim 1 for attaching the add-on part.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshihira et al. (6,349,953) as applied to claim 8 and further and in view of ordinary skill in the art.

Regarding Claims 10, 13, Yoshihira et al. (6,349,953) discloses the invention as claimed.

However, Yoshihira et al. (6,349,953) does not disclose the second fastening section of the connecting element is a threaded section and the region of the second fastening section of the connecting element has a centering bore for a joining or screwing tool.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the second fastening section of the connecting element is a threaded section and the region of the second fastening section of the connecting element has a centering bore for a joining or screwing tool, since it has been held to be within the general skill of a worker in the art to select a known fastening method on the basis of its suitability for the intended use to optimize the cost of the product made. Higher level of cost efficiency can be achieved by identifying and using known methods of fastening.

Deleted: a passenger seat 8, an anchor arrangement configured to detachably couple to a rearwardly facing infant seat 10, an anchor point 15a, and a tether 11. ¶ 9

Claim Rejections - 35 USC § 102(e)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:¶ A person shall be entitled to a patent unless —(f) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the [2]

Deleted: Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumley et al. [3]

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Conclusion

4. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.

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5. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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/Kiran B. Patel/

Kiran B. Patel, P.E.

Primary Examiner

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July 10, 2008